

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6626 of 2022

Arising Out of PS. Case No.-111 Year-2020 Thana- GADHPURA District- Begusarai

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AWADHESH RAI @ AWADHESH KUMAR RAI Son of Hare Krishna Rai
Resident of Village - Musepur, P.S.- Garhpura, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arjun Prasad

For the Opposite Party/s : Mr.Gulnar Begum

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-06-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard Mr. Ashok Kumar learned counsel for the
petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Garhpura
P.S. Case No. 111 of 2020 registered for the offences punishable
under Sections 30 (a) Bihar Prohibition Excise Act, 2016.

As per prosecution case, on information having been
received of illicit liquor unloaded from a truck, it is stated that a
raid was conducted. Seeing the police personnel the accused
persons managed to escape. The petitioner was identified by the
choukidar amongst accused. A total of 971.52 liters of IMFL
was recovered.

Learned counsel for the petitioner submits that neither

the petitioner was arrested at the spot nor any incriminating article has been recovered from his possession. Charge-sheet has already been submitted and petitioner is in custody since 04.01.2022. Petitioner bears criminal history of two cases. One is of similar nature and other is of Arms Act.

The learned APP for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody and also taking into consideration the material available on record, petitioner is not apprehended on spot, let the petitioner above named be released on bail **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Court-02, Begusarai in connection with Garhpura P.S. Case No.111 of 2020 subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial

court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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